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In re Application of:	:	
CATTON, PIERS, et al.	:	
U.S. Application No.: 10/540,174	:	DECISION ON PETITION
PCT No.: PCT/DE03/04087	:	(37 CFR 1.181)
International Filing Date: 11 December 2003	:	
Priority Date: 18 December 2002	:	
Atty Dkt No.: CATTON, P. ET AL – 1 PCT	:	
For: INTAKE MANIFOLD AND	:	
ASSOCIATED PRODUCTION	:	
METHOD	:	

This decision is issued in response to the materials filed herein on 14 January 2008, treated herein under 37 CFR 1.181. No petition fee is required.

### **BACKGROUND**

The procedural background for the present application was set forth in the decision mailed on 02 March 2006. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition.

The petition decision provided applicants with a two month reply period. The application file does not contain a response to the petition decision filed within the available reply period. Accordingly, the present application became abandoned at midnight on 02 May 2006 for failure to file a timely response to the petition decision mailed 02 March 2006.

On 09 January 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) stating that the application was abandoned.<sup>1</sup>

On 14 January 2008, applicants submitted materials requesting withdrawal of the holding of abandonment, considered herein under 37 CFR 1.181.

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<sup>1</sup> . It is noted that the Notification Of Abandonment incorrectly indicates that the abandonment resulted from a failure to respond to the Notification Of Missing Requirements mailed 26 September 2005. As set forth in the previous decision, applicants filed a timely response to the Notification Of Missing Requirements on 28 November 2005, such response including applicants' petition under 37 CFR 1.47(a). The abandonment here resulted from applicants' failure to timely respond to the petition decision mailed 02 March 2006, not the Notification Of Missing Requirements.

### DISCUSSION

The materials filed on 14 January 2008 include a copy of a “Renewed Petition Under 37 CFR 1.47(a),” a declaration executed by both of the inventors herein (including the previously non-signing inventor), and a postcard itemizing these materials and bearing a USPTO receipt stamp dated 02 May 2006.

The materials filed on 14 January 2008, including the unsigned facsimile transmittal letter, imply that applicants originally filed the attached documents on 02 May 2006 as a timely response to the previous decision, and that the holding of abandonment is therefore improper. However, the 14 January 2008 submission was not signed by a registered practitioner, and it does not include a statement signed by a registered practitioner confirming that the attached “Renewed Petition Under 37 CFR 1.47(a)” and executed declaration are true copies of the materials filed by applicants on 02 May 2006 and itemized on the accompanying postcard. A properly signed petition to withdraw the holding of abandonment, including the statement discussed above, is required before it can be confirmed that the attached materials were filed herein on 02 May 2006 as a timely response to the previous decision, as required for withdrawal of the holding of abandonment.

Until applicants provide the materials required for a grantable petition for withdrawal of the holding of abandonment, the application remains abandoned.

Because the application remains abandoned on the present record, the “Renewed Petition Under 37 CFR 1.47(a)” and accompanying declaration have not been considered on the merits at this time.

### CONCLUSION

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains **ABANDONED** on the present record.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision.

Any request for reconsideration should include a cover letter entitled “Renewed Petition Under 37 CFR 1.181” and must include the following: (1) copies of the materials filed on 02 May 2006 in response to the decision mailed 02 March 2006 (i.e., the renewed petition under 37 CFR 1.47(a) and the fully executed declaration); (2) a copy of the return postcard with the USPTO receipt stamp; and (3) a statement, signed by a registered practitioner, confirming that the accompanying materials are true copies of the materials filed on 02 May 2006 as a timely response to the decision mailed 02 March 2006.

Please direct further correspondence with respect to this petition to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'R. M. Ross'.

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